Supreme Court, U. S.
FILED
JAN 7 1974

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-696

THE EMPORIUM CAPWELL CO.,
Petitioner,

VS.

WESTERN ADDITION COMMUNITY ORGANIZATION,
Respondent,

and

No. 73-830

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

VS.

WESTERN ADDITION COMMUNITY ORGANIZATION, et al.,
Respondents.

BRIEF IN OPPOSITION TO PETITIONS FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

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Table of Authorities Cited

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Moore v. Sunbeam Corporation, 459 F.2d 811 (7th Cir. 1972)	13

Physicians from both hospitals testified. Under the trial judge's qualified ruling, defense counsel freeely used the records in interrogating the witnesses, bringing to the attention of the jury the pertinent entries. Hence, we conclude no substantial prejudice resulted and that the error is not one that warrants the reversal of the conviction.

Article 921 of the Louisiana Code of Criminal Procedure provides:

> "A judgment or ruling shall not be reversed by an an appellate court on any ground unless in the opinion of the court after an examination of the entire record, it appears that the error complained of has probably resulted in a miscarriage of justice, is prejudicial to the substantial rights of the accused, or constitutes a substantial violation of a constitutional or statutory right."

For the reasons assigned, the original judgment affirming the conviction and sentence is reinstated and made the final judgment of this Court.

SUPREME COURT OF THE UNITED STATES

No. 73-5744

BILLY J. TAYLOR, APPELLANT

v.

STATE OF LOUISIANA, APPELLEE

ORDER NOTING PROBABLE JURISDICTION

The motion of the appellant in No. 73-5744 for leave to proceed *in forma pauperis* is noted and the cases are set for oral argument in tandem.

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